

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF ALABAMA  
MONTGOMERY DIVISION

DONALD FRANKS,

Plaintiff,

v.

UNIFUND CCR PARTNERS,

Defendant.

CASE NO.: 2:07CV352-MEF

REPORT OF PARTIES' PLANNING MEETING

1. Pursuant to Fed.R.Civ.P. 26(f), a conference was held on June 14, 2007 and was attended by:

Edward M. Wayland, Esq.  
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Montgomery, Alabama 36101

Christopher L. Hawkins  
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*Attorney for Plaintiff*

*Attorney for Defendant*

2. Parties' Statements of the Case:

Plaintiff's Brief Narrative Statement of Facts:

The Plaintiff believes the evidence will demonstrate that the Defendant violated the Fair Debt Collection Practices Act. Without limitation, the Plaintiff asserts that the Defendant filed a state court lawsuit against the Plaintiff in an attempt to collect a debt on a credit card account that the Plaintiff was not a party to. The Plaintiff also asserts that the Defendant had no evidence to support its state court lawsuit and falsely stated that upon the Defendant's personal knowledge of the facts, the Plaintiff owed the debt.

Defendant's Brief Narrative Statement of Facts:

The Defendant believes the evidence will show that it did not violate any laws when it filed its state court lawsuit. The Defendant asserts that it is the assignee of the credit card account in question and that the Defendant filed its lawsuit in good faith, based upon the business records the assignor provided. The Defendant believes the evidence will show that the Plaintiff is the account debtor on the credit card account in question.

3. Pre-Discovery Disclosures. The parties will exchange the information required by Fed.R.Civ.P. 26(a)(1) by July 6, 2007.

4. Discovery Plan. The parties jointly propose to the court the following discovery plan:

Discovery will be needed on the following subjects: (1) the timing of when the Plaintiff opened the credit card account, purchased items on the credit card account, and sent payments on the credit card account; (2) the timing of the assignment of the credit card account to the Defendant; (3) the Defendant's reports to credit agencies regarding the status of the account.

All discovery commenced in time to be completed by November 30, 2007.

Maximum of 40 interrogatories (including all discrete subparts) by each party to any other party. Responses due 30 days after service.

Maximum of 35 requests for admission by each party to any other party. Responses due 30 days after service.

Unless agreed upon by the parties or otherwise ordered by the court, maximum of 5 depositions by Plaintiff and 5 by Defendant.

Each deposition is limited to a maximum of 8 hours unless extended by agreement of parties.

Report from retained experts under Rule 26(a)(2) due:

From Plaintiff: October 5, 2007.

From Defendants: November 5, 2007.

Prior to November 30, 2007, supplementations under Rule 26(e) due thirty (30) days after discovery of additional information necessary to be disclosed. Thereafter, supplementations will be due not later than fourteen (14) days after discovery of additional information.

The limitations and time limits on discovery set forth herein may be changed by agreement of the parties or by order of the Court for good cause shown

5. Other Items: not applicable.
6. The parties do not request a conference with the court before entry of the scheduling order.
7. The parties request a pretrial conference in February 2007.
8. Plaintiff should be allowed until August 24, 2007 to join additional parties and until August 24, 2007 to amend the pleadings.
9. Defendant should be allowed until September 21, 2007 to join additional parties and until September 21, 2007 to amend the pleadings.
10. All potentially dispositive motions should be filed by November 2, 2007.
11. Settlement cannot be evaluated prior to some initial discovery.
12. Final lists of witnesses and exhibits under Rule 26(a)(3) should be due:  

From Plaintiff:	14 days before trial.
From Defendant:	14 days before trial.

13. Parties should have 7 days after service of final lists of witnesses and exhibits to list objections under Rule 26(a)(3).

14. The case should be ready for trial by March 3, 2008 and at this time is expected to take approximately 1-2 days.

15. Other matters. Not applicable.

Date: June 15, 2007.

s/ Edward M. Wayland  
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